



**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

McMANIMON, SCOTLAND

& BAUMANN, LLC

75 Livingston Avenue, 2nd Floor

Roseland, New Jersey 07068

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Richard D. Trenk, Esq.

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Special Bankruptcy Counsel for Allstate New Jersey Insurance Company, and related entities

Order Filed on November 13, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In re:

Case No. 18-29278 (JKS)

STEPHEN J. CONTE, JR.,

Chapter 11

Debtor.

Hearing Date: November 10, 2020

Hearing Time: 10:00 a.m.

**ORDER TO (i) HOLD STEPHEN J. CONTE, SR. IN CONTEMPT
OF COURT ORDER AND (ii) IMPOSE MONETARY SANCTIONS**

The relief set forth on the following pages numbered two (2) through four (4), is hereby
ORDERED.

**DATED: November 13,
2020**

A handwritten signature in black ink, appearing to read "JK Sherwood".

Honorable John K. Sherwood
United States Bankruptcy Court

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Debtor: Stephen J. Conte, Jr.
Case No.: 18-29278 (JKS)
Caption: Order to (i) Hold Stephen J. Conte, Sr. in Contempt of Court Order, and (ii) Impose Monetary Sanctions

THIS MATTER having been opened to the Court by Allstate New Jersey Insurance Company; Allstate Insurance Company; Allstate Indemnity Company; Allstate Property and Casualty Insurance Company; Allstate New Jersey Property and Casualty Insurance Company (collectively, “Allstate”), by and through their counsel, McManimon Scotland & Baumann, LLC, upon Motion for entry of an Order (i) holding Stephen J. Conte Sr. in contempt of a Court Order, (ii) imposing monetary sanctions upon Stephen J. Conte, Sr. and (iii) granting such other relief as the Court deems just and proper (the “Motion for Contempt”), and Conte Sr. having filed opposition to the Motion for Contempt, by and through his attorneys Aboyoun Dobbs LLC, and the Court having heard oral argument on November 10, 2020; and for other good cause having been shown,

IT IS HEREBY:

ORDERED that Allstate’s Motion for Contempt seeking to hold Stephen J. Conte, Sr. in Contempt is granted as set forth on the record on November 10, 2020 and to the extent the Motion for Contempt sought monetary sanctions, same is deferred for further hearing; and it is further

ORDERED, that Stephen J. Conte, Sr. shall appear for the taking of his Rule 2004 examination on **January 21, 2021 at 10:00 a.m.**,¹ and it is further

ORDERED, that on or before **November 30, 2020**, Conte, Sr. and Open MRI must produce to Allstate’s counsel the following:

¹ To the extent necessary, the R. 2004 examinations shall be conducted through a virtual platform selected by Allstate; provided that the Stephen J. Conte, Sr. shall **NOT** have access to any cell phone or other electronic chatroom or similar device or mode of communications while the depositions are ongoing or during breaks.

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Debtor: Stephen J. Conte, Jr.
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- Any and all Documents referring or relating to Open MRI and Imaging of Rochelle Park, P.A., including without limitation, bank statements, invoices, contracts, agreements, loans, promissory notes, 1099 statements, payroll records, operating agreements, certificates of incorporation, Bank Accounts, accounts receivable, pending litigation, itemized list of assets, management fees received, subsidiary ledgers for the Relevant Period.
- Any and all Documents referring or relating to copies of all Documents referring or relating to any individuals' and/or entities' equity ownership in Open MRI and Imaging of Rochelle Park, P.A., and during the Relevant Period.
- Any and all Documents referring or relating to any trusts, equitable or future interests in property in which Dr. Conte shares an interest with the Debtor and/or any and all individuals related to and entities affiliated with the Debtor, has or ever had an interest in.
- Any and all Documents referring or relating to real property located at 396 North Farview Avenue, Paramus, New Jersey 07652, including without limitation, trust agreements, deeds, mortgages, discharges of mortgages, listing agreements, correspondence, appraisals, listings, comparative market analyses, checks, wire transfer records, cancelled checks, lease agreements, and/or Documents evidencing liens and/or encumbrances.
- Any and all consulting agreements entered into by the Debtor and/or any and all entities owned or operated by Dr. Conte.
- Any and all Documents referring or relating to any and all wages owed to and/or paid to Debtor from your entities including, but not limited to Open MRI and Imaging of Rochelle Park, P.A. and South Bergen Medical Management, Inc. during the Relevant Period.
- Any and all shareholder agreements, including any all documents related thereto in connection with Debtor's ownership, interest, and/or control in Open MRI and Imaging of Rochelle Park, P.A., from the date of the incorporation of Open MRI and Imaging of Rochelle Park, Inc., through the current date and including, but not limited to, the time of the Amendment of Open MRI and Imaging of Rochelle Park, Inc., to Open MRI and Imaging of Rochelle Park, P.A.
- Any and all shareholder agreements, including any all documents related thereto in connection with Debtor's ownership, interest, and/or control in Open MRI and

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Debtor: Stephen J. Conte, Jr.
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Imaging of Rochelle Park, P.A., from the date of the incorporation to the current date.

- Any and all Documents relating to payments and/or transfers of any kind made by Open MRI and Imaging of Rochelle Park, P.A. to the Debtor, Vestibula Diagnostics P.A., 396 Medical Management Corp., and Rochamus Medical Equipment, Inc. during the Relevant Period.
- Any and all Documents relating to any insurance coverage Open MRI and Imaging of Rochelle Park, P.A. and sought under the Policies due to any and all claims brought against Open MRI and Imaging of Rochelle Park, P.A. for the Relevant Period, including but not limited to any complaints filed against Open MRI and Imaging of Rochelle Park, P.A., submissions and/or notifications made to any insurance company regarding any and all claims, and Documents relating to the amounts involved in each of the claims.
- Any and all Documents concerning the insurance policies, including but not limited to, the amount of coverage provided to Debtor, the amount of coverage which is currently available to Open MRI and Imaging of Rochelle Park, P.A. and any and all types of claims excluded from the Policy;

and it is further

ORDERED, that Allstate's rights to seek fees and costs are reserved and fully preserved and can be brought with regard to the Motion for Contempt and any other motion in the future; and it is further

ORDERED, that unless otherwise set forth herein, all other pending motions, discovery requests, Rule 2004 examinations and document productions shall continue as scheduled, and per prior orders of this Court.

In re:
Stephen J. Conte, Jr.
Debtor(s)

Case No. 18-29278-JKS
Chapter 11

District/off: 0312-2
Date Rcvd: Nov 13, 2020

User: admin
Form ID: pdf903

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Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol Definition

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 15, 2020:

Recip ID	Recipient Name and Address
db	Stephen J. Conte, Jr., 395 North Farview Avenue, Paramus, NJ 07652
aty	+ Norgaard O'Boyle, 184 Grand Ave, Englewood, NJ 07631-3578

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 15, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 13, 2020 at the address(es) listed below:

Name	Email Address
Brian Gregory Hannon	on behalf of Debtor Stephen J. Conte Jr. bhannon@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com
Cassandra C. Norgaard	on behalf of Defendant Stephen J. Conte Jr. cnorgaard@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;dtakach@norgaardfirm.com
Denise E. Carlon	on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-1XS U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com
Denise E. Carlon	on behalf of Creditor US Bank National Association As Successor Trustee to Bank of America, National Association (Successor

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by Merger to Lasalle Bank National Association) As Trustee for Morgan Stanley Mortgage Loan Trust
dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

Gavin Stewart

on behalf of Creditor Specialized Loan Servicing LLC, as servicing agent for Morgan Stanley Mortgage Loan Trust
bk@stewartlegalgroup.com

Jeffrey Thomas Testa

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Jerrold S. Kulback

on behalf of Debtor Stephen J. Conte Jr. jkulback@archerlaw.com, chansen@archerlaw.com

John O'Boyle

on behalf of Attorney Norgaard O'Boyle & Hannon joboyle@norgaardfirm.com,
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

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sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

John O'Boyle

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John O'Boyle

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Joshua H. Raymond

on behalf of Plaintiff Allstate New Jersey Insurance Company jraymond@msbnj.com

Joshua H. Raymond

on behalf of Plaintiff Allstate Property and Casualty Insurance Company jraymond@msbnj.com

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Joshua H. Raymond

on behalf of Plaintiff Allstate New Jersey Property jraymond@msbnj.com

Joshua H. Raymond

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Joshua H. Raymond

on behalf of Creditor Allstate Insurance Company jraymond@msbnj.com

Michael A. Artis

on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov

Michael S. Horn

on behalf of Debtor Stephen J. Conte Jr. mhorn@archerlaw.com

Rebecca Ann Solarz

on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-1XS U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank rsolarz@kmllawgroup.com

Richard D. Trenk

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on behalf of Plaintiff Allstate New Jersey Property rtrenk@msbnj.com cdeangelis@msbnj.com

Ryan T. Jareck

on behalf of Trustee Jeffrey Thomas Testa rjareck@coleschotz.com fpisano@coleschotz.com

Seth L. Dobbs

on behalf of Debtor Stephen J. Conte Jr. sdobbs@aboylelaw.com, TJANNICELLI@ABOYOUNDOBBS.COM

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U.S. Trustee

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TOTAL: 30